

Summary

This study – international terrorism and the subject-matter jurisdiction of the International Criminal Court — has dealt with the possibility of extending the subject-matter jurisdiction of the International Criminal Court to cover crimes of international terrorism as the international terrorism crimes have serious threats to international peace and security through the unjustifiable killing of human beings and the destruction of all kinds of property. They have not spared what has been a legacy of humanity, such as cultural property, relics, heritage, valuable manuscripts and others. All of this leaves bad effects in the community environment, represented by anxiety, instability, psychological and economic breakdown, and the spread of displacement, homelessness, corruption, crime and the spirit of vengeance, especially in the new generation.

All of these are the consequences of terrorism, which themselves are a means of attaining the ultimate goal of influencing or altering the political system, forcing it to work or leaving a job that is disproportionate to the ambition and aspirations of the masterminds and the creators of terrorism. Certainly, they are the forces of arrogance and tyranny which have made the terrorism a new element in international relations.

Although the aspirations of the international community for the establishment of an international criminal justice have evolved somewhat, culminating in the proclamation of the Convention on the establishment of the International Criminal Court and the agreement on its statute (the Rome Statute) in 1998, which have been singled out for the most serious crimes against international peace and security, but has ruled out the crimes of international terrorism in response to the desires and interests of States, including the United States and the Israeli entity, which, according to their point of view, justified the fact that the court's subject-matter jurisdiction could not extend to international terrorism legally and factually.

It was therefore incumbent upon the researcher to diagnose these justifications and refute them by first defining the word "terrorism" and arriving at a logical legal definition at the national and international level, including the elements of the crime

and its components and distinguishing it from other crimes and similar acts as follows: (terrorism is the systematic use of illegal violence that affects lives, private and public property, or threats or any other means that would spread terror and fear to make a psychological difference in the community, aimed at influencing the political system or the human group concerned and forcing it to work or leave work that is incompatible with the goals and aspirations of the perpetrators. Terrorism becomes international if the crime is committed out of the territory of the State of the perpetrators, or a State has assisted or has given a safe place for the perpetrators, or the crime is committed against nationals or property of a State outside its territory.)

Through research, it was noted that there was insufficient evidence of legal justification for excluding international terrorism from the jurisdiction of the International Criminal Court. As excluding it creates a "structural vacuum" in the statute of the Court, whose a preamble affirms that the most serious crimes that threaten international peace and security do not go unpunished. In addition, the final document of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an international criminal court (appendix I, para. e) confirmed that: (terrorist acts, by whomever and wherever committed and whatever their forms, methods or motives, are serious crimes of concern to the international community).

The double standards towards the crime of aggression and the crime of international terrorism in accepting or refusing the subject-matter jurisdiction of the court and excluding the item concerning the inclusion of terrorism from the agenda of the First Review Conference in Kampala, Uganda on 31 May 2010 are some conclusive evidences of the purely political ends for opposing the court's subject-matter jurisdiction to include terrorism, which aim to exclude the officials and their security systems — who are involved in terrorist crimes — from appearing before the International Criminal Court, achieving their interests in the investment of international terrorism in international relations, influencing national or regional political systems or the international political system in accordance with their interests and reaping profits from arms sales, protection contracts and the extension of influence, which were already achieved by US President Donald Trump, during the Arab-Saudi-American Islamic Summit Conference held in Riyadh on May 2017.

In order to counter the direction of the parties opposing the extension of the Court's jurisdiction, the States parties in favor of the extension must use all means to achieve the aim through media, national, regional and international conferences and the bilateral, collective, regional and international convention, include its national laws in an agreed definition and to press for the inclusion of an item to extend the subject-matter jurisdiction of the International Criminal Court to cover terrorism at future review conferences.